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AMERICAN SOCIAL SCIENCE ASSOCIATION.

OCCASIONAL PAPERS.

MAY, 1868.

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N^o. 1.

A SERIES OF OCCASIONAL PAPERS is proposed by the Executive Committee of this Association. It has been thought that, while waiting for a Publication Fund to print the annual transactions, it might be acceptable to the members and serviceable to the cause of the Association, to publish something in the nature of a monthly bulletin, containing brief articles, statements of principle or fact, announcements of meetings or any movements relating to Social Science. The present paper is intended merely as an experimental specimen of the series.

The Association, it will be remembered, comprises four Departments, — 1st, Education; 2d, Public Health; 3d, Economy, Trade and Finance; 4th, Jurisprudence and the Amendment of Laws. Each Department will have its share in the Occasional Papers.

The Executive Committee invite contributions suited to the size and purpose of the Papers, and addressed to the Corresponding Secretary, No. 30 Chestnut St., Boston.

SOCIAL SCIENCE IN THE UNIVERSITY.—At a meeting of the Board of Overseers of Harvard University, April 9th, 1868, the following Report was presented, accepted, and recommitted to the Committee presenting it, with instructions to confer on the subject with the Corporation of the University.

"The Committee appointed 'to inquire and report at a future meeting of this Board whether additional means of instruction should not be provided upon subjects relating to the practical affairs of business, and touching the mutual relations and interests of capital and labor, and the development of national resources,' respectfully Report:

"Your Committee recommend that Lectureships be established in the College which will offer to the students at Cambridge and to the community at large instruction upon the range of subjects referred to in the order committed to them, and present some Rules as the basis of a plan for consideration.

"*First.* Courses of lectures may be established on any subject within the range of the order, to which lecturers shall be assigned annually by the Corporation, with the assent of the Overseers.

"*Second.* Each course shall consist of twelve lectures, to be delivered in Cambridge, open to the senior class and members of the professional schools without charge, and to any other person observing the rules establishing the course, on the payment of five dollars.

"*Third.* The compensation of each lecturer shall be a moderate stated sum, with such fees in addition as may be received from persons not entitled to admission gratuitously.

"*Fourth.* Public notice shall be given of the time and place appointed for each course, with the name of the lecturer.

"*Fifth.* Any person or association presenting ten thousand dollars to the College may designate the subject for one course of lectures annually, and the

income derived from such sum shall be paid to the lecturer in such course as the stated compensation.

"If the sum of three thousand dollars can be secured, your Committee advise the immediate establishment of two courses of lectures annually for three years, in order to introduce the plan without unnecessary delay.

"The mode of compensation proposed will show how far the system in foreign Universities of lectures paid by fees, which is strongly advocated by some eminent scholars, is adapted to our institutions. The annual appointment of lecturers will enable the College to invite, from time to time, persons who may have distinguished themselves in any special branch, and to unite the observation and training of practical men with the instruction given by professed teachers. The College will offer to young persons, whose means do not enable them to devote themselves to a collegiate education, the opportunity of instruction in branches relating to their future pursuits. And should such Lectureships be ably occupied in the Colleges of the country, we should find a healthy influence exercised upon the discussion of public questions, and the legislation of the country upon practical affairs.

"It is a frequent complaint that our legislation is subordinate to the temporary political issues advocated by great parties. It seems to your Committee that no remedy for this evil will be so effective as the open discussion in the Universities of the country, of the principles which underlie such subjects as national resources, modes of taxation, currency, and commercial relations, by those who have made these subjects a special study. And it is our earnest desire that Harvard College shall omit no effort to aid in disseminating the true principles which govern national obligations and national integrity.

"Your Committee are aware that no definite action can be taken on this subject without the concurrence of the Corporation, and they present these views to the Overseers for discussion, and to be disposed of as they may see fit."

THE SCHOOLS INQUIRY COMMISSION, organized under Act of Parliament in 1864, have recently issued their Report in a series of twenty Blue-books. It contains the investigations of the Commissioners into eight hundred and twenty endowed schools, proprietary or private, in which a portion of the boys of the middle classes, as they are termed, receive their education; the larger portion, estimated as three to one, being educated in private adventure schools, so styled. The chief result of the Commissioners' labors is the recommendation of a general system of education for boys of the middle classes in endowed schools, which are to be organized in school districts, and administered by school boards, throughout the kingdom. Three grades of schools, each grade being subdivided into two orders, preparatory and finishing, are proposed; the first grade to teach the present branches of public school instruction up to the age of entrance into the Universities, the second to teach Latin and two modern languages, up to sixteen years of age, and the third, to teach the elements of Latin, with one modern language, up to fourteen; while all are to give sound elementary instruction, especially in the English language, Arithmetic and Geometry. These schools are not to be free in the sense of gratuitous, and their pupils, if day boys, are to pay from £4 in the lowest grade, to £25 in the highest, or if boarders, from £25 to £60. A series of exhibitions or scholarships leading from one grade of schools to another, and ultimately to the Universities or the professions, is included in the scheme. The Report enters fully into the studies to be pursued, and the manner of pursuing them. Reference is made to other than English standards, and the systems of public education in Scotland, Holland, Belgium, France, Switzerland, Germany, and the United States, are described with greater

or less detail in Reports of Assistant Commissioners who were sent to these different countries in order to aid the Commissioners in their work for education in England. The Report completes the inquiries into the English system conducted by three separate Commissions,—1st, the Commission of 1858, under the late Duke of Newcastle, who examined the Primary Schools for the working classes; 2d, the Commission of 1861, under Lord Clarendon, known as the Public School or the Nine Schools Commissioners, who investigated the Schools of Eton, Winchester, Westminster, Charter House, St. Paul's, Merchant Tailors', Harrow, Rugby, and Shrewsbury, types, chiefly of upper, but partly of middle-class education; and 3d, the Commission of 1864, under Lord Taunton, whose province consisted of the schools intermediate between those of the other two Commissions. It remains for Parliament and the English nation to carry out the recommendations of their Commissioners, and thus to improve and extend the public education of England.

LODGING HOUSES FOR WOMEN.—A Paper on this subject was read at the meeting of the Association in New York, last November. Since then, some promising movements have taken place. A new Home has been opened in Beach Street, Boston, in the very heart of temptation and danger, by the Young Women's Christian Association, whose affairs seems to be managed with admirable promptness and good-sense. Of its pecuniary success, it is too soon to speak. At the Ash Street Home, the price of board has been slightly raised, and the Institution now claims to be self-supporting, but it is manifest that this is a question which cannot yet be settled, for "self-support" involves the thorough repairs which are not likely to be needed for some years.

The following circular has been recently issued:—

"The friends who subscribed to the fund for procuring furniture for the **SHOP-GIRLS' BOARDING HOUSE**, at 28 Ash Street, will be interested to know that the first year's experiment has been entirely successful. The house has room for twenty-eight boarders; and has been constantly full, with the exception of two or three vacancies for a short time in the summer. The Matron often wishes she had another house for the numerous applicants she is obliged to refuse. The expense to each girl has been about \$3.50 a week, of which \$2.00 is for the actual cost of the food; the other \$1.50 is for the rent, wages, and all other expenses. As far as can be ascertained, the lowest sum that any of the girls had formerly paid for board was \$4.00, and \$5.00 is the price for accommodations not nearly so comfortable as are afforded here. The success is largely due to the Matron, who has taken a most friendly interest in the girls, and given them a happy home. Through her economical management, the table has been well and plentifully supplied at the moderate price which has been mentioned. The expenses have not exceeded the estimate which was made at the beginning of the year, and the receipts have fully covered them, leaving a sufficient balance to keep the furniture and house in good repair. It is hoped that the success of this house may lead to the establishment of others, as the experience of the year has only served to make the need of them more clear."

The House in Elizabeth Street, New York, cannot report as to expenses, until it is filled; but it has been trying to remedy one of the evils of which mention was made in the Paper referred to by curtaining the spaces between the beds.

In 1866, an Act was passed to incorporate the Ladies' Christian Union of the City of New York. This Society established a Home at Nos. 328 and 330 East 14th Street, for unmarried girls reputedly employed, and during the last year one hundred and forty persons, saleswomen, copyists, dress-makers, seamstresses, &c., were sheltered. The over-crowded condition of the Home made it necessary to

secure a larger and more permanent establishment. One person offered \$10,000 towards this object, provided \$50,000 should be secured; which being done, Nos. 28 and 29 Washington Square have been purchased and will be ready for occupancy on the first of May. This establishment means to be wholly unsectarian. It offers various Church sittings to its inmates, according to choice. It has a Library and Reading-Room. Beside furnishing lodgings to the unprotected, it has helped one girl to a scholarship at Oberlin, and found situations for many. Single rooms cost from \$5.00 to \$6.00 a week, and board from \$3.50 to \$4.50. The receipts from the boarders, however, have amounted only to \$10,489.21, while the expenses have been \$13,540.65.

The ladies of Hartford, Detroit and St. Paul, are about entering on the same work, and we heartily bid them, and all who will do likewise, God speed. C. H. D.

WOMEN'S WORK IN PUBLIC INSTITUTIONS.—A Paper on Women's Work in Workhouses, read at the Church Congress, at Oxford, in 1862, suggests the appointment of women, 1st, as Visitors or Inspectors; 2d, as Residents or Superintendents; and continues thus: "The governing and commanding power is entirely in the hands of men; and the women to whom the management of details is entrusted by them, are rarely of a class who can originate or suggest improvements. . . . In all institutions we require more women in authority, and of a higher class. . . . Who has ever counted up all the failures, the losses, the errors, which the sole management of men in Boards of Guardians has incurred? Women at all events, hitherto, cannot be to blame for all these things in which our Workhouses have failed; while, seeing that God has throughout the world given into their hands the management of the household, the nursery and the sick-room, is it not reasonable to suppose that some at least of these evils might be averted, by the advice, the inspection, the counsel of educated women being introduced into every workhouse in the land."

A Paper on Workhouse Schools, read at the Social Science Meeting, at Liverpool, in 1858, maintains that "the interests of Girls' Schools must materially suffer so long as their oversight is confined to the Boards of Guardians and Inspectors, as now constituted. The Government Inspector, usually a classical scholar, with honors from the University of Oxford or Cambridge, makes minute investigations into the proficiency of the poor girls in reading, writing and arithmetic, scripture history and geography; but as to his qualification for judging of their improvement in needlework, the skill in cutting, fitting or mending, the regularity of the darning or knitting, washing and the getting up of linen, the style of performance of any household, kitchen or nursery service, he cannot refer to any degree, diploma or experience to give authority to his opinions. . . . It appears only consistent that a lady experienced in such matters can do justice to the requirement of these important duties." The work from which these extracts are taken, (*Children of the State, The Training of Juvenile Paupers*, by Florence Hill, London, 1868,) states that "a late eminent School Inspector, aware of his incompetence to judge of the industrial acquirements of the female pupils, used to take his wife with him on his official tours, who ably discharged the duty of which he felt himself incapable, and he advised his brother inspectors to follow his example."

What is here said about woman's work in the workhouse or the industrial school may be repeated, *mutatis mutandis*, of her work in all public institutions of charity and reform. Her place is wherever the suffering and the fallen are to be cared for, and it is for their interest, far more than for hers, that she should be admitted to offices of administration in such institutions. Nobody doubts the value of her services in

private charities or reformatories ; they will be not less, but rather more valuable in public establishments, particularly in those which deal with women, or girls, or young children of either sex. The sooner women are appointed to the governing boards of our almshouses, hospitals, reform schools and penitentiaries, the better it will be for the boards, for the institutions and for all received within their walls.

Nor is it less desirable that room should be made for women in our School Committees and Boards of Education. With strange inconsistency, we appoint women as teachers, and hesitate to appoint them as supervisors ; yet if they are fit to take charge of teaching, they are at least equally fit to take charge of what is much less difficult, supervision. Not only the children, boys as well as girls, but the teachers, especially those of the female sex, need the visits of women to the school-room, and until they come, clothed with authority as well as sympathy and intelligence, the improvement of our schools in certain important particulars will be delayed.

DEBT NOT CAPITAL.—The public debt, it is gravely said, has taken no capital out of use, but on the contrary has brought about the creation of new capital in the shape of bonds issued for the Government loans.

Can either of these propositions be true ?

When a hundred thousand barrels of gunpowder was purchased by the Government, and consumed at the siege of Vicksburg, or in the battles of the Wilderness, was no capital taken out of use ? Was not the amount in fact absolutely destroyed ? So of shot and shell, ordnance and equipments, provisions and forage, consumed during the great contest, was not the whole mass capital, in the hands of those who produced these articles, and was it not annihilated ?

Did this consumption of war material bring about a new creation of capital ? In what way ? Was it in the Government bonds issued for commodities destroyed in war ? Can capital be created in that manner ? If so, the greater the destruction of property the greater the accumulation of capital, and the more rapid the increase of national wealth. Bonds are not capital to any one ; though while in good credit, they may be exchanged for capital, or pledged as security for the use of it ; but so might any private note, if endorsed with sufficiently responsible names. No sane man would call a note, however reliable, capital. It is a sad mistake thus to confound two things so radically different as capital and credit, the substance and the shadow. They are entirely distinct. Capital always exists in a tangible form, credit is intangible, mere confidence.

The public debt forms no part of the wealth of the nation. If the whole were wiped out to-day, the nation would have no less capital, no less available means for production and trade than at present. Those who hold the bonds would lose their claim upon the Government, that is, upon the whole people, but not a dollar of wealth would be destroyed, or the effective capital of the nation be in the least diminished. The result would simply be the robbery of one class for the benefit of the rest.

A. W.

REPUDIATION NO GAIN.—Would it be for the benefit of the nation to repudiate, more or less, the claims of its bondholders ? It is so argued. Whatever a part of the people may lose in coin or currency, principal or interest, is said to be so much gain to the whole. Is this true ?

No. For, in the first place, the whole must suffer with the part. No large number of individuals, no class, no section of the people, can be impoverished without impoverishing, to a certain proportionate extent, the rest of the people. Business declines, trade languishes, credit and confidence are shaken, investments depreciate,

capital and income diminish. It is a law not only of political economy but of human nature, nay of religion itself, that if one member suffers, all members suffer with it. Repudiation being a loss, and a crushing one, to a part, cannot be a gain to the whole.

In the second place, repudiation in any degree or under any excuse, is a mortal injury to the character of the nation, and the whole of the nation. If one part suffers from the sacrifice of bonds, the other parts suffer from the sacrifice of credit, and, all things considered, the interests of capitalist and operative, of agriculture, manufactures, commerce and the professions, it is reasonable to conclude that the latter sacrifice is even greater than the former. Repudiation instead of being a gain is an overwhelming loss, not only to a part but to the whole.

THE MASSACHUSETTS COMMISSIONER OF SAVINGS BANKS in his Report for the year 1867, gives the following statistics:

Number of Depositors, ...	348,593
Amount of Deposits, ...	\$80,431,583.71
Average to each Account, ...	\$230.73
Number of Deposits during the last year, ...	346,043
Amount of the same, ...	\$26,755,132.29
Number of withdrawals during the last year, ...	173,954
Amount of the same, ...	\$17,496,416.64
Number of Accounts opened during the last year, ...	81,102
" " " closed " " " "	46,084

The amount of business during the year is reported as having been unusually large. The increase in deposit for the year ending October 26, was \$12,699,319.40. "The single fact of a rapid accumulation in our Savings Banks," remarks the Commissioner, "does not, of itself, afford any evidence that they are performing the beneficial work expected of them. . . . The Institutions are exclusively intended for the benefit of that portion of our population who have but little or no capital, and who seek a place of safe deposit for small savings. . . . If at any time the deposits should be made up to a considerable extent of the capital of those for whom the Institutions were not created, we should have reason to anticipate a wide departure from the past prudent management, to satisfy the demands which that capital would surely make for higher rates of interest, thereby subjecting the legitimate deposits to a greater liability of loss than ought ever to exist in a Savings Bank."

DIGEST OF THE LAW OF BILLS OF EXCHANGE, (ENGLAND.)—It is well known that a Commission has been appointed for the Digest of the Law of England. A letter from the Commissioners to the Benchers of the Inns of Court, inviting the preparation of certain Specimen Digests, under date of 22d November, 1867, has been reprinted in the American Law Review, April, 1868, p. 585. In reply to this invitation, Henry D. Macleod, Esq., of the Inner Temple, a corresponding member of the American Social Science Association, has presented a Specimen of a Digest of the Law of Bills of Exchange. "There are few subjects," he remarks to the Commissioners, "which require more care, thought and practical knowledge, than to generalize the principles relating to negotiable paper with absolute accuracy. The accompanying Specimen . . . is to show the general arrangement and method of treatment which practical experience and long reflection on the subject made me think most useful to the legal profession and most intelligible to practical men of business." As this is a matter of great importance to commercial as well as merely legal interests, a portion of Mr. Macleod's introduction is subjoined.

"Considering the magnitude and the intricacy of the commercial relations of this country with nearly every other country in the world, a Digest of the Law of Negotiable Paper, to be complete, should contain not only the Law of England on the subject, but also note the distinctions between the Law of this country and those of other countries with which she has commercial relations. Nothing is more common now than for Commercial Bills to bear the signatures of parties affixed in several different countries. Now it is a leading principle of Negotiable Paper that the liabilities of each party to it are determined by the law of the country in which the contract is created, that is, in which he signs his name. The holder of a bill, therefore, on which there are names signed in foreign countries, is not really informed of the right and liabilities of the parties to it, unless he has the means of knowing the law of the country in which each signature is affixed." p. i.

"Notwithstanding the numerous decisions, both at Law and in Equity, on points relating to Instruments of Credit, any one familiar with the actual practice of Banking and Commerce knows well that there are several points of the greatest importance of every-day occurrence, which have not yet received judicial investigation. English Law on the subject does not consist of certain general principles sanctioned by Legislative authority, like the Pandects of Justinian, or the Basilica, but of a number of isolated decisions formed as cases arose, without any design, order, or method. The general principles of Law and Equity which govern these decisions have not hitherto been brought together so as to exhibit their connection and relation." p. ii.

"There are two distinct divisions of Negotiable Paper, originating in different branches of commerce, and devised at different periods namely, Obligations created and used among merchants strictly so called, and Obligations created and issued by bankers. The former may be described as Obligations payable at some future date, usually fixed; and the latter as obligations payable on demand, which are created for the purpose of circulating in lieu of money. Sometimes, no doubt, mercantile Obligations are made payable on demand, and sometimes banking Obligations are made payable at a future date; but they are generally distinguished into Obligations payable at a future time, and Obligations payable on demand.

"Each species of Obligation comprehends both forms—orders and promises to pay—and it will be found that in many respects commercial Obligations, including Bills and Notes, and banking Obligations, including Bank Notes and Cheques, more nearly resemble each other, than instruments of the same form resemble each other.

"Thus a Cheque is in *form* an order to pay, and therefore technically a Bill; but yet in some respects it *more* resembles a Bank Note than a Bill. Cheques were intended as substitutes for Bank Notes, and in the first case on a Cheque the Court said that it was to be considered as a Bank Note. In some respects a Cheque is more like the Promissory Note of the drawer made payable at the banker's, than an ordinary Bill; the drawer is not discharged for the space of six years if he suffer no damage from the holder not presenting the Cheque. Cheques when paid and cancelled are the property of the drawer, as his voucher for the payment of his debt, whereas if they were ordinary Bills they would be the property of the drawee. Other points might be mentioned, but these are sufficient." p. xli.

"It is submitted that a Digest should select the best general name for the subject, and also endeavour to give the best general definition of the various technical terms used. It is submitted that the name 'Bills of Exchange, including Promissory Notes, Bank Notes, and Cheques,' does not cover the *whole* subject. An immense proportion of modern credit is not embodied in circulating paper at all. It exists merely as Deposits, or Balances on Banking Accounts; now these balances are a direct obligation, or promise of the banker, to pay the sum, and they are subject to

the same rules as govern circulating paper; when a banker makes up a customer's pass-book, shewing a balance, that might by a stretch of language, be included under Promissory Notes. It is submitted that the title selected should be such as necessarily to include that very large branch of Credit. It is submitted that the name of 'Negotiable Paper,' given at p. 47 of the Report of the Commissioners, with an extract from the German code, is too wide, because 'Negotiable Paper,' in commercial language, is now considered to include Bills of Lading and Dock Warrants, which are not of the nature of Credit at all.

"It is submitted that no name so completely fits the subject as 'Instruments of Credit,' neither omitting any part of it, nor including anything beyond it. Credit, or Debt, in legal and commercial language, means a right of action against a *person* for a sum of money; and an 'Instrument of Credit' is the ancient and well recognised name derived from Roman Law for the written evidence of a Debt. A Deposit, a Balance, or a Banking Account, or a mere entry in a banker's books, was the principal species of the *Obligatio litteris*, and is naturally included under the title 'Instrument of Credit.'" p. xlv.

THE TEST OF LEGISLATION is becoming, if it has not become, the ease with which legislators can legislate. A project of law is considered firstly, and sometimes lastly, in its relation to the manipulation of caucuses, the sweeping off of debates, the rolling up of votes, the prevention or the remedy of a veto. The one thing needful, if the legislature are disposed to adopt a measure, is to hurry it forward, and be done with it, at least for the session. "After us," say the law-makers, "the repeal." A session is responsible only to itself, and that which comes after it is free to change or to overthrow its work. Thereupon the session which comes after decides what to do or to undo upon precisely the same grounds, and enacts or repeals with reference only to its own convenience, that is, to the facility with which one statute can be abrogated and another framed. We are legislating in a circle, and make a fresh start only to return to the starting point and begin again. Is there any help for it? Can we displace the new question, How soon can a law be carried, by the old one, How long will it last? Can we insist upon the fact once universally admitted, that the support of a measure by the legislature, or by the majority in the legislature, is less decisive with regard to its merits, than its support by the people? Public opinion used to be thought more powerful than any statute. Is it wise to think that a statute is independent of public opinion? These are grave questions, and they are to be pressed upon the consideration of our legislators, before the test of legislation actually becomes what it is fast becoming.

NEW MEMBERS of the Association will be welcome at all times. Like every similar organization, it is a standing denial of Goldsmith's line; it wants a great deal here below, and wants that great deal in the persons of men and women who will enter actively and intelligently into its work, and render it at once an authority and a helper in Social Science. The *magni nominis umbra*, the generality of the name, need not hinder sympathy or coöperation. For every detail in education, health, finance and jurisprudence, for every specialty under either head, there is an opportunity in the Association. The Executive Committee urge their fellow-members to make the character of the Association more fully known, in the confident expectation that it will then be more fully supported. All that membership involves at the outset is signing the Constitution, personally or by proxy, and paying an entrance fee of three dollars.

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